



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT
CN 028
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Richard E. Hahn, Esq.
L.E. Carpenter and Company
1301 E. Ninth St.
Suite 3600
Cleveland, OH 44114-1860

17 SEP 1990

Dear Mr. Hahn:

Re: L.E. Carpenter Amended ACO 9/26/86
Letter July 16, 1990, Concerning Feasibility Study Schedule

The New Jersey Department of Environmental Protection (Department) is in receipt of Weston Services Inc. letter and schedule of 9/4/90 and does not find the revision of the RI/FS schedule acceptable for reasons previously expressed, e.g., total preparation and internal review times are excessive when compared with Departmental and USEPA experience on other CERCLA sites.

L.E. Carpenter is reminded that the Amended ACO signed 9/26/86 states:

"I. B. Feasibility Study

21. Within sixty (60) calendar days after receipt of NJDEP's written comments on the draft FS Work Plan, L.E. Carpenter shall modify the draft FS Work Plan to conform to NJDEP's comments and shall submit the modified draft FS Work Plan to NJDEP. The determination as to whether the modified FS Report, as resubmitted, conforms to NJDEP's comments shall be made solely by NJDEP."

The FS Work Plan was approved with the condition that the schedule be significantly improved but such a condition was not offered and the Department was compelled to set a FS draft deliverable date (December 24, 1990) for the draft FS which it believes is in line with its historical experience on similar CERCLA sites. Based on the Amended ACO Order Section I B 21, the Department is authorized to enforce this Draft FS deliverable date.

I would normally recommend a joint meeting in Trenton of the effected parties, L.E. Carpenter, WSI and the Department, if I thought that such a meeting would be helpful in resolving this impasse, but since our previous discussions have not been fruitful, I feel that L.E. Carpenter should initiate such a meeting with a meaningful proposal.



The Department is open to discussion on this matter of the deliverable schedule but L.E. Carpenter must come forth with concrete and meaningful explanations and/or improved deliverable dates. The Department prefers not to invoke its legal authority if a reasonable solution can be reached.

I await your response. You may contact Mr. Edgar G. Kaup, P.E., Case Manager should you have any questions.

Sincerely,



David S. Zervas, Chief
Bureau of Federal Case Management

EGK:kj

c: J. Josephs, EPA II
C. Anderson, M.A. Hanna
V. Cappello, WSI
P. Bross, DAG